



GEORGIA M. PESTANA  
*Corporation Counsel*

**THE CITY OF NEW YORK  
LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

NICOLETTE PELLEGRINO  
*Assistant Corporation Counsel*  
Phone: (212) 356-2338  
Fax: (212) 356-3509  
Email: npellegr@law.nyc.gov

**REQUEST TO FILE UNDER SEAL**

October 8, 2021

VIA E.C.F.

Honorable Lorna G. Schofield  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: Christopher Hiram Cano v. City of New York, et al.,  
19 Civ. 1640 (LGS)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney representing defendants City of New York, New York City Health and Hospitals, New York City Department of Correction (“DOC”) Captains Charles and Robinson, and DOC Officers Chisolm and Santiago (collectively, “Defendants”) in the above-referenced matter.<sup>1</sup> Defendants write to respectfully request that the Defendants be permitted to file their anticipated October 8, 2021 status letter under seal because it discusses matters and documents which have been explicitly protected from disclosure by the Court’s September 26, 2019 Stipulation of Confidentiality and Protective Order (hereinafter, “Protective Order”) and also concerns other private and/or confidential matters concerning Plaintiff. (See Dkt. No. 37 at ¶ 2(f).)

By way of background, Plaintiff was scheduled to be deposed by Defendants at the Manhattan Detention Complex on October 31, 2019. However, on October 29, 2019, the Defendants learned that Plaintiff was discharged from DOC custody into the custody of New York State. (See Dkt. Nos. 44, 45.)

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<sup>1</sup> Upon information and belief, DOC Officer Murray has not been served with process and, thus, is not yet a proper party to this action.

Upon information and belief, on November 8, 2019, former Assistant Corporation Counsel Samantha J. Pallini provided the Court, under seal, with an update with respect to the Plaintiff's custody status and relevant criminal case, which are confidential pursuant to HIPAA and the Protective Order. Pursuant to the Protective Order, "[a]ny records unsealed as a result of Plaintiff's properly executed authorization for the unsealing of records pursuant to New York Criminal Procedure Law §§ 160.50 and 160.55, particularly pertaining to Bronx Supreme Court Indictment No. 02396/2016[,] are to be designated confidential materials and protected from disclosure to third parties, except those persons listed in paragraph 5. (See Dkt. No. 37 at ¶ 2(f).)


Here, the contents of the Defendants' anticipated October 8, 2021 status letter concerns the Plaintiff's custody status and certain disclosure on the public docket may violate HIPAA.

Accordingly, the Defendants' anticipated filing contains confidential information, and the Defendants respectfully request the Court's permission to file the Defendants' anticipated October 8, 2021 status letter under seal.<sup>2</sup>

The Defendants thank the Court for its consideration.

The application is GRANTED. The status letter at Docket No. 121 shall be filed under seal. Only Christopher Hiram Cano, Nicolette Pellegrino, the City of New York, the New York City Health and Hospitals Corporation, Correctional Officers Chisolm, Santiago, Murray, and Captains Robinson and Charles shall have access to the letter at Docket No. 121. The parties shall continue to file status letters every thirty days. The Clerk of Court is respectfully directed to mail a copy of this Order to pro se Plaintiff and close the docket entry at Docket No. 122.

Dated: October 12, 2021  
New York, New York

  
**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**

Respectfully submitted,

/s/ Nicolette Pellegrino  
Nicolette Pellegrino  
Assistant Corporation Counsel  
Special Federal Litigation Division

<sup>2</sup> The Defendants will file their anticipated October 8, 2021 status letter under seal through the ECF system subsequent to filing their instant request.

<sup>3</sup> Upon information and belief, Plaintiff is being housed at the North Infirmity Command.